

REMARKS

Claims 1, 2, 9-14 and 21-36 are pending. Claims 1, 2, and 9-20 were withdrawn from consideration. Claims 21-36 are active and are directed to methods for treating or alleviating brain disorders with a compound that is not the compound of formula (I).

Rejection—35 U.S.C. §102

Claims 21, 22, 26-28, and 36 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Marston et al., WO 98/27930; and Claims 30-35 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Marston et al., WO 98/27930. These claims are not anticipated by the cited art, because the compound of formula (I) is specifically excluded by the claim language. On the other hand, Marston et al. (see abstract) is directed to compounds having formula (I). Accordingly, the Applicants respectfully request that these rejections be withdrawn.

Rejection—35 U.S.C. §103

Claims 21-29 and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Marston et al., WO 98/27930. These claims are not obvious in view of the cited art, because the claims specifically exclude the compounds of formula (I) to which Marston is directed. Since the prior art does not disclose or suggest the compounds used in the claimed methods, these claims are not obvious. Accordingly, the Applicants respectfully request that this rejection be withdrawn.

Application No. 10/084,160
Reply to Office Action of January 18, 2005

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Thomas M. Cunningham
Registration No. 45,394

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
NFO/TMC/cja